IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3690 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE DN PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BHANUBEN BHAGVANJEEBHAI KAMANI
Versus
LABHUBEN BACHERBHAI KASUNDRA

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Appearance :
MR PRANAV M RAVAL for Petitioner:1
MR PRAVIN GONDALIYA for Respondent:1

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CORAM : HONOURABLE MR.JUSTICE DN PATEL

Date : 09/08/2007

ORAL JUDGMENT

1. The present petition has been preferred against the order dated 23rd January, 2007, passed by the learned

2nd Additional Senior Civil Judge, Rajkot, below Exh.25, in Election Petition No.2 of 2006 whereby amendment application preferred by original plaintiff was allowed. Against this order, present petition is filed by the present petitioner (original defendant).

2. Having heard the learned counsel for both the sides and looking to the facts of the present case, I see no reason to entertain the present petitioner mainly for the following facts and reasons.

2.1 It appears, from the facts of the case, that there was Taluka Panchayat election for Padadhari Taluka, District Rajkot. Election was held on 10th December, 2006 and the result was declared on 12th December, 2006. The original defendant was declared as successful candidate and therefore, the present respondent had preferred an election petition wherein he had wrongly mentioned date of the result of the election as 12th October, 2006 and therefore, realising this mistake and application below Exh.25 was preferred in election petition no.2 of 2006 for amending the memo of election petition to the effect that the result was declared on 12th December, 2006, and, therefore, wrongly date was given as 12th October, 2006 in the memo of election petition.

2.2 It is also accepted by the present petitioner (original defendant) that correct date of the declaration of the result is 12th December, 2006 and not 12th October, 2006. In these facts of circumstances, the application was rightly and correctly allowed by the trial Court below Exh.25. The Court was given the correct date of declaration of the result and even it is accepted by the original defendant.

3. As a result of the aforesaid facts and reasons, there is no substance in the present petition. No error has been committed by the Court below in passing an impugned order, much less error apparent on the face of the record.

4. Petition is dismissed. Rule is dismissed. Rule is discharged. Interim relief, if any, granted earlier, stands vacated.

(***D.N.PATEL, J.***)

Amit/-